



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411

BOSTON, MASSACHUSETTS 02108

(617) 727-8352

(800) 462-OCPF

MICHAEL J. SULLIVAN

DIRECTOR

March 13, 1995

AO-95-10

Joseph M. Stornaiuolo, Administrator  
Political Action Committee for  
Teamsters Local 157,  
Employees of the Massachusetts Port Authority  
638 Bennington Street  
East Boston, MA 02128

Re: Expenditures by PAC to support candidate for seat on  
Massachusetts Port Authority Retirement System

Dear Mr. Stornaiuolo:

This letter is in response to your February 15, 1995 request for an advisory opinion regarding the making of expenditures by the Political Action Committee for Teamsters Local 157 ("the PAC") to benefit a candidate for a seat on the board of the Massachusetts Port Authority Retirement System ("the board").

You have stated that the board oversees expenditure of funds collected on behalf of the contributing members and determines the merits of each retirement claim. One of the three members of the board is elected by Massport employees. The PAC would like to endorse and financially support a candidate for this seat.

For the reasons that follow, the PAC's financial support of an individual seeking membership on a retirement board is not consistent with the campaign finance law.

Political committees, including political action committees, may make expenditures only "for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter" and must "enhance the political future of the candidate or principle on whose behalf the committee was organized." See M.G.L. c. 55, s. 7 and 970 C.M.R. 2.06(6)(b).<sup>1</sup>

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<sup>1</sup> The PAC's statement of organization includes this statement of purpose: "to assist the union members and employee of Massport in maintaining the highest standards of employment at Massport through the political system. . ." (emphasis added). Although the retirement system board elections may involve "politics," it is not a part of the "political system."

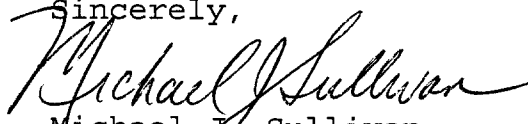
Political action committees are, by definition, not organized to support a single candidate, political party, or ballot question committee. They are created to support more than one "candidate," and their "expenditures," by definition, are made "for the purpose of influencing the nomination or election of candidates." A "candidate" is defined as "any individual who seeks nomination or election to public office." See M.G.L. c. 55, s. 1 (emphasis added).

The regulations issued by this office do not specifically address whether political action committees or other political committees may financially support individuals for membership on retirement boards or any other office which is not a "public office" within the meaning of the campaign finance law. However, the regulations do state that political committees may not make contributions to, or expenditures on behalf of, individuals seeking membership in elected political party committees. Like membership to the retirement board, membership in an elected political committee does not constitute election to a "public office." See 970 C.M.R. 2.06(6)(b)(1).

In conclusion, a person seeking election to the retirement board is not a "candidate" within the context of the campaign finance law, and the PAC's financial support of an individual seeking membership on a retirement board is not within the scope of the campaign finance law. Therefore, such expenditures or contributions may not be made by a political committee registered with this office.

This opinion is solely in the context of M.G.L. c. 55 and is based solely on the representations made in your letter. Should you have additional questions, please do not hesitate to contact this office.

Sincerely,



Michael J. Sullivan  
Director

MJS/cp